

11-23-05

Application No.
10/797,230

Filing Date
10/Feb./2004

Examiner
K.T. Nguyen

Group Art Unit
3714

1/24/05
PTD

Applicant
Munoz et al

Title
Streamer Launching System

Docket No.
Holmes-2



LETTER OF EXPLANATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, V.A. 22313-1450

22 November 2005

R.B. Sherer
R.B. Sherer

TO THE COMMISSIONER FOR PATENTS

On 17 November 2005, the original of the attached copy of an Amendment was filed by deposit in the U.S. Mail as of that date.

In the haste of Filing, a Request For Extension Of Time was inadvertently omitted.

The attached copy of this Amendment is hereby filed including such Request For Extension of Time.

The clerical error is regretted and your assistance is appreciated.

Respectfully submitted,

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AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): *MUNOZ ET AL*

Docket No.

HOLMES-2

Application No.

10/797,230

Filing Date

10 FEB 04

Examiner

K.T. NGUYEN

Customer No.

Group Art Unit

3714

Confirmation No.

Invention:

STREAMER LAUNCHING SYSTEM

NOV 22 2005

COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	<i>18</i> -	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	<i>3</i> -	3 =	0 x	\$43.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

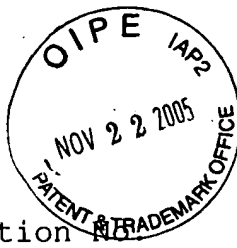
☒ No additional fee is required for amendment.☐ Please charge Deposit Account No. _____ in the amount of _____☐ A check in the amount of _____ to cover the filing fee is enclosed.☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. *50-0765*☒ Any additional filing fees required under 37 C.F.R. 1.16.☐ Any patent application processing fees under 37 CFR 1.17.*Ronald B. Sherer*
SignatureDated: *17 Nov. 05*

I certify that this document and fee is being deposited on *22 NOV. 05* with the U.S. Postal Service as ~~first~~ *Express* class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

R.B. Sherer
Signature of Person Mailing Correspondence*R.B. SHERER*

Typed or Printed Name of Person Mailing Correspondence

CC:



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Examiner
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AMENDMENT

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17 NOV. 05
R. B. Sherer

Rb Sherer

TO THE COMMISSIONER FOR PATENTS

The following is in response to the Office Action of 1 June
2005.

Cancel Claims 1 - 14 and enter new Claims 15 - 32.

LIST OF CLAIMS

Claims 1 - 14 (Cancelled)

Claims 15 - 32 (New)

15. (New) An apparatus for launching streamers into the air by a user comprising:

(a) at least one streamer;

(b) attachment means for attaching said streamer to the hand of the user; and

(c) retention means for retaining said streamer and said attachment means together prior to use of said apparatus.

16. (New) The apparatus of Claim 15 wherein said retention means comprise a removable element surrounding said streamer and attachment means.

17. (New) The apparatus of Claim 16 wherein said element comprises a resilient band.

18. (New) An apparatus for launching streamers into the air by a user comprising:

(a) at least one streamer;

(b) attachment means for attaching said streamer to the hand of the user including a launch strip; and

(c) means connecting one end of said streamer to said launch strip.

19. (New) The apparatus of Claim 18 wherein said attachment means includes a ring member of a size and shape such as to receive a finger of the user.

20. (New) The apparatus of Claim 19 wherein said ring member is a resilient band.

21. (New) The apparatus of Claim 18 wherein said launching strip includes wing means for enclosing said at least one streamer prior to launch of the streamer.

22. The apparatus of Claim 21 wherein said wing means comprise a separate element secured to said launch strip.

23. The apparatus of Claim 21 wherein each of said launch strip and said wing means has a longitudinal length, and said lengths extend at 90° relative to each other.

24. (New) The apparatus of Claim 18 wherein said launch strip is composed of plastic film.

25. (New) The apparatus of Claim 18 wherein said launch strip is composed of paper or tissue paper.

26. (New) The apparatus of Claim 21 wherein said launch strip and said wing means comprise one, integral element with respective longitudinal lengths, and said lengths extend at a substantially right angle relative to each other.

27. (New) The apparatus of Claim 18 wherein said at least one streamer comprises one of a plurality of streamers each secured individually to said launch strip.

28. (New) The apparatus of Claim 18 wherein said at least one streamer comprises at least two separate rows of streamers.

29. (New) A pom-pom comprising:

(a) a launch strip;

(b) means connected to said launch strip for attaching said launch strip to the hand of the user; and

(c) a plurality of streamers attached to said launch strip and said streamers having sufficiently short lengths to be capable of functioning as a pom-pom.

30. (New) The pom-pom of Claim 29 wherein said streamers have lengths in the order of 6 inches to 3 feet.

31. (New) The pom-pom of Claim 29 wherein said streamers have lengths in the order of $\frac{1}{2}$ to 2 feet.

32. (New) The pom-pom of Claim 29 wherein said streamers have lengths in the order of 8 to 16 inches.

REMARKS

In response to the rejection of former Claim 9 on the ground of alleged non-enablement, attention is called to Fig. 3 and the full, detailed description of band 18 and its function on page 3, lines 1 - 11 of the Specification as filed. Accordingly, this ground of rejection is factually incorrect and must be withdrawn.

The substance of former Claim 9 has been combined with that of former Claim 1, and is presented as new Claim 15. In the absence of any rejection on the merits of former Claim 9, and absolutely no suggestion thereof in the prior art, new Claim 15 is obviously allowable and such action is respectfully requested.

New Claims 16 - 17 are dependent upon allowable Claim 15, directly or indirectly, and each of such claims recites additional novel structure not in any way suggested by any known prior art. Accordingly, allowance of Claims 15 - 17 is in order and is respectfully solicited.

New independent Claim 18 recites the "attachment means" as including "a launch strip" as shown, for example, as element 14 and taught only by Applicant. The launch strip encloses the streamers(s) prior to launch, and is directly connected to the streamer. This is totally contrary to the Schofield toy wherein

the ball is, and must be, connected to the hand by an elongated, elastic cord b.

In addition to this contrary structure, the entire function and operation of the Schofield toy and Applicant's streamer are totally contrary. For example, Schofield's toy must be controlled by the cord to release the wing segments, and cause it to bounce up and down in use. In Applicant's streamers, the streamer is not so controlled. It does its own thing and flies into the air as a comet; i.e., there is no control of its flight or motion as in the winged ball.

In addition, there is no problem of retrieval of a loose object in the Schofield toy. Whenever desired, the user simply grasps the ball and puts it away. In Applicant's invention, loose streamers have been a very severe problem, even to the point of being banned at sporting events, as fully explained in paragraph [02] of Applicant's Specification.

Thus, in summary, the prior art does not have or even recognize the problem solved only by Applicant. It has contrary structure and operates in a totally contrary manner. As the Examiner is keenly aware, such factors do not support

obviousness, rather they prove the non-obvious nature and truly unexpected results of Applicant's invention.

Claims 19 to 28 are presented as dependent upon Claim 18, directly or indirectly, and each claim positively recites additional structure which is nowhere taught or even suggested is the prior art.

Lastly, new Claims 29 - 31 are positively recited and directed to a "pom-pom" including the "launch strip" previously described above. Additionally, Claim 29 recites a plurality of streamers forming the pom-pom. Applicant's prior streamers as shown in his own prior patent were just that; i.e., streamers flying free like comets through the air. There was and is no prior creation of a streamer/pom-pom, and certainly Schofield does not suggest such a novel creature. Accordingly, Claim 29 is fully allowable and such action is requested.

Regarding dependent Claims 30 - 32, each positively recites unique dimensions, which are directly contrary to the 15 - 25 foot long streamers of the prior art. Only Applicant has reversed the normal operation of streamers so to function as a pom-pom not as a loose prior art streamer.

For the foregoing reasons, each of new Claims 16 - 32 is firmly believed to be in order such that the subject Application is in immediate condition for allowance and is so requested.

Respectfully submitted,

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